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6 Attorneys for Plaintiff
7 PALMTREE ACQUISITION CORPORATION, a Delaware
corporation f/k/a Catellus Development Corporation

8
9 **UNITED STATES DISTRICT COURT**
10
11 **FOR THE NORTHERN DISTRICT OF CALIFORNIA**

12 PALMTREE ACQUISITION CORPORATION, a
Delaware corporation,

13 Plaintiff,

14 vs.

15 MICHAEL R. NEELY, an individual; PERRY J.
NEELY, an individual; GARY NEELY, an
individual; MICHAEL R. NEELY, PERRY J.
NEELY and GARY NEELY dba MIKE'S ONE
16 HOUR CLEANERS; CHARLES FREDERICK
HARTZ dba PAUL'S SPARKLE CLEANERS;
CHARLES F. HARTZ, an individual;
17 MULTIMATIC CORPORATION, a New Jersey
corporation; WESTERN STATES DESIGN, a
California corporation; MCCORDUCK
18 PROPERTIES LIVERMORE, LLC, a Delaware
limited liability company individually and as the
successor to JOHN MCCORDUCK, KATHLEEN
19 MCCORDUCK, PAMELA MCCORDUCK,
SANDRA MCCORDUCK MARONA, and IMA
20 FINANCIAL CORPORATION, a California
corporation; STARK INVESTMENT COMPANY,
a California general partnership; GRUBB & ELLIS
21 REALTY INCOME TRUST, LIQUIDATING
TRUST, a California trust; and DOES 1-20,
22 inclusive,

23 Defendants.

24 CASE NO. CV 08 3168 MHP

25
26 **STIPULATION AND [PROPOSED]
27 ORDER TO FILE FIRST AMENDED
28 COMPLAINT**

1 WHEREAS, plaintiff and all of the defendants who have appeared and are represented by
2 counsel desire to file the First Amended Complaint;

3 WHEREAS, defendant Grubb & Ellis Realty Income Trust, Liquidating Trust has not
4 appeared, is not represented by counsel and claims to have dissolved and to no longer exist;

5 WHEREAS, the First Amended Complaint adds as a defendant Northrop Grumman Systems
6 Corporation ("Northrop");

7 WHEREAS, the plaintiff and the defendants except for Grubb & Ellis Realty Income Trust,
8 Liquidating Trust, have reached a settlement with Northrop, and a condition of the settlement is that
9 this Court approve the settlement as a good faith settlement pursuant to California Code of Civil
10 Procedure Section 877.6;

11 WHEREAS, it is necessary to add Northrop as a defendant in order to obtain the good faith
12 determination from this Court.

13 THEREFORE, IT IS HEREBY STIPULATED by and between attorneys for plaintiff and the
14 defendants except for Grubb & Ellis Realty Income Trust, Liquidating Trust, that plaintiff be granted
15 leave to file the First Amended Complaint, a copy of which is attached as Exhibit A, on or before July
16 16, 2010.

17
18 APPROVED AS TO FORM AND CONTENT.

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20
21 DATED: June 21, 2010

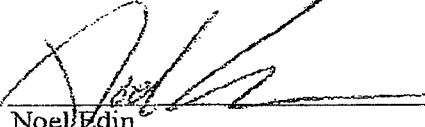
COX, CASTLE & NICHOLSON LLP

22
23 By: 

24 Stuart I. Block
Peter M. Morissette
25 Attorneys for Plaintiff
PALMTREE ACQUISITION CORPORATION, a
26 Delaware corporation f/k/a Catellus Development
Corporation

1 DATED: June ___, 2010

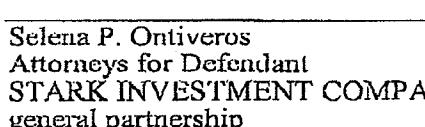
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6
7
8
9
10 BASSI MARTIN EDIN & BLUM, LLP

11 By: 

12 Noel Edin
13 Attorneys for Defendants
14 MICHAEL R. NEELY, an individual; PERRY J.
15 NEELY, an individual; GARY NEELY, an
16 individual; MICHAEL R. NEELY, PERRY J.
17 NEELY and GARY NEELY dba MIKE'S ONE
18 HOUR CLEANERS

19 DATED: June ___, 2010

20 GONSALVES & KOZACHENKO

21 By: 

22 Selena P. Ontiveros
23 Attorneys for Defendant
24 STARK INVESTMENT COMPANY, a California
25 general partnership

26 DATED: June ___, 2010

27 DONGELL LAWRENCE FINNEY LLP

28 By: 

Thomas F. Vandenburg
Attorneys for Defendant
MULTIMATIC CORPORATION, a New Jersey
corporation

1 DATED: June __, 2010

2 BASSI MARTINI EDLIN & BLUM, LLP

3 By: _____

4 Noel Edin
5 Attorneys for Defendants
6 MICHAEL R. NEELY, an individual; PERRY J.
7 NEELY, an individual; GARY NEELY, an
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10 HOUR CLEANERS

11 DATED: June ²¹, 2010

12 GONSALVES & KOZACHENKO

13 By: _____

14 Selena P. Ontiveros
15 Attorneys for Defendant
16 STARK INVESTMENT COMPANY, a California
17 general partnership

18 DATED: June __, 2010

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24 corporation

1 DATED: June __, 2010

BASSI MARTINI EDLIN & BLUM, LLP

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HOUR CLEANERS

8
9 DATED: June __, 2010

GONSALVES & KOZACHENKO

11 By: _____

12 Selena P. Ontiveros
13 Attorneys for Defendant
14 STARK INVESTMENT COMPANY, a California
general partnership

15
16 DATED: June 23, 2010

DONGELL LAWRENCE FINNEY LLP

18 By: _____

19 Thomas F. Vandenburg
20 Attorneys for Defendant
21 MULTIMATIC CORPORATION, a New Jersey
corporation

DATED: June 22, 2010

ROGERS JOSEPH O'DONNELL

Bv⁺

Robert C. Goodman
Attorneys for Defendant
CHARLES FREDERICK HARTZ dba PAUL'S
SPARKLE CLEANERS; CHARLES F. HARTZ,
an individual

DATED: June ___, 2010

GORDON WATROUS RYAN Langley Bruno
& PalTenghi Inc.

By:

Bruce Clinton Paltenghi
Attorneys for Defendant
MCCORDUCK PROPERTIES LIVERMORE,
LLC, a Delaware limited liability company
individually and as the successor to JOHN
MCCORDUCK, KATHLEEN MCCORDUCK,
PAMELA MCCORDUCK, SANDRA
MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation

DATED: June , 2010

FOLEY MCINTOSH FREY & CLAYTOR

By:

Jim Claytor
Attorneys for Defendant
WESTERN STATES DESIGN, a California
corporation

IT IS SO ORDERED

Dated: 7/6/2010

LAW OFFICES OF
COX, CASTLE &
NICHOLSON LLP
SAN FRANCISCO

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~~STIPULATION AND [PROPOSED] ORDER TO NEE~~

- 4 -

Judge Marilyn H. Patel

A circular stamp with a double-line border. The outer ring contains the text "UNITED STATES DISTRICT COURT" at the top and "SOUTHERN DISTRICT OF CALIFORNIA" at the bottom. Inside the circle, on the left, is "U.S. Dis" and on the right is "R TO FILE". In the center is a red rectangular box containing the text "IT IS SO ORDERED" at the top and "Judge Marilyn H. Patel" at the bottom. A blue signature of "Marilyn H. Patel" is written across the box.

1 DATED: June , 2010

ROGERS JOSEPH O'DONNELL

By:

Robert C. Goodman
Attorneys for Defendant
CHARLES FREDERICK HARTZ dba PAUL'S
SPARKLE CLEANERS; CHARLES F. HARTZ,
an individual

DATED: June 21, 2010

GORDON WATROUS RYAN LANGLEY BRUNO
& PALTENGHI INC.

By:

Bruce Clinton Paltenghi
Attorneys for Defendant
MCCORDUCK PROPERTIES LIVERMORE,
LLC, a Delaware limited liability company
individually and as the successor to JOHN
MCCORDUCK, KATHLEEN MCCORDUCK,
PAMELA MCCORDUCK, SANDRA
MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation

DATED: June , 2010

FOLEY MCINTOSH FREY & CLAYTOR

By:

Jim Clayton
Attorneys for Defendant
WESTERN STATES DESIGN, a California
corporation

IT IS SO ORDERED

Dated: _____

U.S. District Court Judge

DATED: June , 2010

ROGERS JOSEPH O'DONNELL

By:

Robert C. Goodman
Attorneys for Defendant
CHARLES FREDERICK HARTZ dba PAUL'S
SPARKLE CLEANERS; CHARLES F. HARTZ,
an individual

DATED: June , 2010

GORDON WATROUS RYAN LANGLEY BRUNO
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MCCORDUCK MARONA, and IMA
FINANCIAL CORPORATION, a California
corporation

DATED: June 21, 2010

FOLEY MCINTOSH FREY & CLAYTOR

By:

Jim Clayton
Attorneys for Defendant
WESTERN STATES DESIGN, a California
corporation

IT IS SO ORDERED

Dated: _____

U.S. District Court Judge